

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS)
Plaintiff)
v.) Civil Action: **04-30126-MAP**
CARDIAC SCIENCE, INC., et al;)
Defendants)

PLAINTIFF DONALD C.HUTCHINS'
MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiff Donald C. Hutchins, ("Hutchins") moves for summary judgment on all claims brought against defendant, Compliant Corporation ("Compliant"). Specifically, Hutchins requests that this Court enter an order finding against Compliant committed the following: Count IV. (Fraud), Count V. (Fraudulent Misappropriation and Sale of Patent), Count VII. (Tortious Interference with Contract), Count VIII. (Breach of Contract) as contained in the Amended Complaint.

REQUEST FOR ORAL ARGUMENT

Hutchins believes that oral argument will assist the Court in deciding this Motion and therefore requests oral argument pursuant to Local Rule 7.1(D). Attorney Gary Martinelli acted as Hutchins' legal counsel in the drafting of the June 1, 1994 License Agreement and is available to testify as to its contents. Plaintiff invites the Defendant to call Attorney Mark D. Kaufman, who represented County Line LLC, to appear on their behalf.

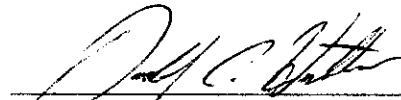
LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that plaintiff has conferred with defendant's counsel in an effort to narrow the issues raised by this Motion, and that no agreement was reached.

Respectfully submitted

The Plaintiff
Donald C. Hutchins, Pro Se

Dated: September 7, 2005


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Longmeadow, Massachusetts 01106
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CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by United Parcel Service to:

John J. Egan, Esq.
Egan, Flanagan and Cohen, P.C.
67 Market Street
P.O. Box 9035
Springfield, MA 01102-9035

and

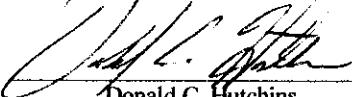
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Dated: 9/12/05


Donald C. Hutchins